

S.R. 795 - By Senator Adams: Extending congratulations to Miss Susie Bateman.

S.R. 796 - By Senator Clower: Extending congratulations to Miss Carri Payne.

ADJOURNMENT

On motion of Senator Aikin the Senate at 5:31 o'clock p.m. adjourned until 9:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

May 17, 1973

S.C.R. 109	S.B. 435
S.B. 33	S.B. 436
S.B. 144	S.B. 438
S.B. 268	S.B. 439
S.B. 274	S.B. 440
S.B. 327	S.B. 681
S.B. 419	S.B. 775
S.B. 433	S.C.R. 110
S.B. 434	

SEVENTY-SEVENTH DAY

(Friday, May 18, 1973)

The Senate met at 9:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

The Reverend J. F. Davis, Orchard Hills Baptist Church, Garland, Texas, offered the invocation as follows:

Our Heavenly Father, we pause to praise your name for every good gift with the realization that "every good and perfect gift cometh down from our Father above". Thank you, Lord, for this session of the Senate and we pray for your blessings and divine direction upon each member as they seek your leadership revealed through your infallible word. We realize our greatest liberty is obeying the commands of Your Holy Word, the Bible.

Dear Lord, bless our great nation . . . "great because she's good, and when she ceases to the good she will cease to be great". Your word declares that. "if my people which are called by my name shall humble themselves and pray,

seek my face and turn from their wicked ways . . . then, will I hear from heaven and forgive their sins and heal their land".

Heavenly Father, heal our land, so sick in many, many areas. Nations are sick whose "founding fathers sought gold rather than God". ' Grant that we shall realize that "righteous exalteth a nation, but sin is a reproach unto any people". Help us that we shall seek Thy face, turn from our wicked ways and be healed by your hand of power. '

Thank you, again, dear Lord, for this great nation, our own beloved State of Texas and for each Senator as they seek divine direction revealed through Thy word, the basis of all true law.

Thank you for our Lord Jesus Christ and Your love in giving Him to die on Calvary for our sins, that through His precious blood we can have life eternal through His one supreme and eternal sacrifice.

Again, bless today every deliberation and action taken by this elected body representative of the people of Texas. We pray in that name which is above every name, Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEE

Senator Hightower submitted the following reports for the Committee on Administration:

S.B. 979
 S.B. 983
 H.C.R. 187
 H.B. 1572
 H.B. 1642
 H.B. 1114
 S.B. 978
 H.B. 1645
 H.B. 1506
 H.C.R. 25
 S.B. 985
 S.B. 980
 S.C.R. 112
 H.B. 492
 H.B. 723
 H.C.R. 147
 H.B. 1665
 H.B. 476
 H.B. 1680
 H.B. 1022
 H.B. 1447
 H.B. 1448
 S.R. 714
 S.B. 984
 S.B. 982
 H.C.R. 46
 H.B. 1244
 H.B. 750
 H.B. 931
 S.B. 988
 H.B. 171
 H.B. 503
 H.C.R. 87
 C.S.S.B. 987 (Read first time)

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 846
S.B. 918
H.B. 738
H.B. 128
H.B. 1352
C.S.H.B. 1200 (Read first time)
H.B. 1553 (Amended)

SENATE RESOLUTIONS ON FIRST READING

The following resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Brooks:

S.R. 798, Requesting the Subcommittee on Consumer Affairs of the Senate Committee on Human Resources to conduct a study of problems of consumers.
To Committee on Administration.

By Senator Herring:

S.C.R. 114, Providing for pilot program to study needs of state to be conducted by Governor's office with assistance of Joint Council on State-University Relations.
To Committee on Administration.

MOTION TO SUBSTITUTE MINORITY REPORT FOR MAJORITY REPORT ON SENATE BILL 540

Senator Clower moved that the Minority Report be substituted for the Majority Report on S.B. 540 (the Minority Report having been filed on May 11, 1973).

The motion was lost by the following vote: Yeas 10, Nays 18.

Yeas: Adams, Brooks, Clower, Gammage, Harrington, Mauzy, Moore, Patman, Schwartz and Wallace.

Nays: Aikin, Andujar, Blanchard, Braecklein, Creighton, Harris, Herring, Hightower, Jones, Kothmann, McKinnon, McKnight, Meier, Ogg, Sherman, Snelson, Traeger and Wolff.

Absent: Longoria, Mengden and Santiesteban.

SENATE CONCURRENT RESOLUTION 113 ON SECOND READING

The President laid before the Senate the following resolution:

S.C.R. 113, Designating Bette Lou Voorhis Alternate State Artist for the year beginning May 1, 1974 and ending April 30, 1975.

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE BILL 1281 RE-REFERRED

On motion of Senator Brooks and by unanimous consent, H.B. 1281 was withdrawn from the Committee on Human Resources and re-referred to the Committee on Administration.

HOUSE BILL 1230 RE-REFERRED

On motion of Senator Brooks and by unanimous consent, H.B. 1230 was withdrawn from the Committee on Intergovernmental Relations and re-referred to the Committee on Administration.

SENATE BILL 209 WITH HOUSE AMENDMENT

Senator Ogg called S.B. 209 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend Section 1 of S.B. 209 by deleting the words "the holder of the loan at such time" between the words "lawful rate" and the words "shall refund" and substituting in lieu thereof the following words:

"the lender contracting for, charging, or receiving all such interest charges".

The House amendment was read.

Senator Ogg moved to concur in House amendment.

(Senator Longoria in Chair)

Question, Shall the Senate concur in the House amendment to S.B. 209?

(President in Chair)

EXECUTIVE SESSION

Senator McKinnon announced that the time had arrived for an Executive Session of the Senate (He having given notice on yesterday).

Senator Mauzy moved that the Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 14, Nays 17.

Yeas: Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Hightower, Longoria, Mauzy, McKnight, Patman, Schwartz, Sherman and Wolff.

Nays: Adams, Andujar, Blanchard, Creighton, Harris, Herring, Jones, Kothmann, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger and Wallace.

Accordingly, the President at 11:30 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 10:53 o'clock a.m. today.

Senator McKinnon moved confirmation of the nominees considered in Executive Session.

Senator Ogg requested a severance on Dr. Mylie E. Durham to be a member of the Hospital Licensing Advisor Council, and to postpone consideration of his appointment until the next Executive Session.

There was no objection.

NOMINEES CONFIRMED

MEMBER OF THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY

Mr. Glenn Justice, of Dallas, Dallas County, term to expire January 31, 1979.

DIRECTOR OF THE DIVISION OF STATE-FEDERAL RELATIONS

Mr. Alan Russell Erwin, of Beaumont, Jefferson County, to serve at the pleasure of the Governor.

MEMBER OF THE STATE HIGHWAY COMMISSION

Mr. Reagan Houston, III, of San Antonio, Bexar County, term to expire February 15, 1979.

MEMBER OF THE STATE DEPOSITORY BOARD

Mr. Bolin Mahaffey, of Corpus Christi, Nueces County, term to expire August 22, 1973.

MEMBERS OF THE STATE COMMISSION FOR THE DEAF

For terms to expire January 31, 1979:

Mr. Landy W. Hillis, Sr., of Robstown, Nueces County;
Dr. Ralph F. Guertin, of Houston, Harris County.

MEMBERS OF THE BANDERA COUNTY RIVER AUTHORITY

For terms to expire January 31, 1979:

Mr. Daniel Tschirhart, of Lakehills, Bandera County;
Mr. M. R. Sandidge, of Tarpley, Bandera County.

The nominees were confirmed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 18, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 807. House Conferees: Clayton, Chairman; Blythe, Massey, Denton and Wilson.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

COMMITTEE APPOINTED

In accordance with the provisions of H.C.R. 188, the President announced the appointment of the following Committee to Escort Navy Captain Eugene Cernan, Navy Commander Ronald Evans and Harrison Schmitt: Senators Moore, McKinnon, Blanchard, Patman and Herring.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 18, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 105, Commending Ronald Thomason as State Artist from May 1, 1973 to April 30, 1974.

The House has granted the request of the Senate for the appointment of a Conference Committee on S.J.R. 8. House Conferees: Jones of Harris, Chairman; Henderson, Peveto, Harris and Preston.

H.C.R. 192, Congratulating Mayor Richard Wehman of Pleasanton.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 462 ON THIRD READING

Senator Mengden asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 462 for consideration at this time.

There was objection.

Senator Mengden then moved to suspend the regular order of business and take up C.S.S.B. 462 for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Adams, Andujar, Blanchard, Braecklein, Brooks, Harris, Herring, Hightower, Jones, Kothmann, McKinnon, Meier, Mengden, Ogg, Patman,

Santiesteban, Sherman, Snelson, Traeger and Wallace.

Nays: Aikin, Clower, Gammage, Harrington, Longoria, Mauzy, McKnight, Schwartz and Wolff.

Absent: Creighton and Moore.

The President laid before the Senate on its third reading and final passage:

C.S.S.B. 462, A bill to be entitled An Act relating to the use of fictitious automobile operator's licenses by officers of the Department of Public Safety.

The bill was read third time.

Senator Mauzy offered the following amendment to the bill:

Amend C.S.S.B. 462 by adding a new section to be numbered accordingly, to read as follows:

"The list of officers using such identification shall be filed with the Secretary of State and shall be open for public inspection during regular business hours."

The amendment was read.

On motion of Senator Mengden the amendment was tabled.

The bill was then finally passed.

RECORD OF VOTES

Senators Schwartz, Clower, Mauzy, Aikin, Longoria, Wolff, Sherman and Meier asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE JOINT RESOLUTION 29 WITH HOUSE AMENDMENT

Senator Traeger called S.J.R. 29 from the President's table for consideration of the House amendment to the bill.

The President laid the resolution and the House amendment before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend S.J.R. 29 by deleting Section 5(a), added by Section 1 of the Resolution, and inserting therein a new Section 5(a) as follows:

"Section 5(a) Notwithstanding any other provisions of this Constitution or any home rule city charter to the contrary, each incorporated city, town, and village (hereinafter called 'municipal corporation') in this State, regardless of population, is authorized to levy and shall levy, and cause to be assessed and collected, on all taxable property within its boundaries, annual ad valorem taxes at such rate and in such amount (in addition, if required, to all other taxes authorized or permitted to be levied by municipal corporations under this Constitution), as will be sufficient to pay when due the principal of and interest on all of its bonds and other interest bearing obligations payable from ad valorem taxes (hereinafter called 'general obligations') issued after the

effective date of this amendment; provided that no general obligations may be issued by a municipal corporation in an aggregate principal amount exceeding such limitations as may be established by the Legislature, and the Legislature is hereby authorized to enact such general or special laws, or both, as it shall deem appropriate to provide and establish such limitations. However, unless other or different limitations are provided by the Legislature for municipal corporations by either general or special law, or both, the limitations established by law with respect to the aggregate principal amount of bonds which may be issued by independent school districts in this State shall apply as the limitation applicable to the amount of general obligations that may be issued by municipal corporations hereunder. This amendment is self enacting."

The House amendment was read.

Senator Traeger moved to concur in House amendment.

The motion prevailed.

SENATE BILL 168 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 168, A bill to be entitled An Act adopting Title 2 of the Family Code, relating to parent and child; amending Section 3.55, Family Code; repealing laws replaced by Title 2; providing an effective date; and declaring an emergency.

The bill was read second time.

Senator Adams offered the following Committee Amendment to the bill:

Amend S.B. 168 at Page 110, line 20 by substituting the following for Subsection 4 of Section 35.03(a):

"is 18 years of age, unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy;"

The Committee Amendment was read and was adopted.

RECORD OF VOTES

Senators Herring and McKinnon asked to be recorded as voting "Nay" on the adoption of the Committee Amendment.

Question, Shall S.B. 168 as amended be passed to engrossment?

MOTION TO TAKE RECESS

Senator Aikin moved that the Senate take recess until 2:00 o'clock p.m. today subject to the conclusion of the Joint Session.

JOINT SESSION

(To hear addresses by Navy Captain Eugene Cernan and Navy Commander Ronald Evans)

The President announced the time had arrived for the Joint Session, pursuant to the provisions of H.C.R. 188.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:30 o'clock a.m. to hear addresses by Navy Captain Eugene Cernan, Navy Commander Ronald Evans and Harrison Schmitt, pursuant to the provisions of H.C.R. 188.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The Honorable Dolph Briscoe, Governor of the State of Texas, Captain Eugene Cernan, Navy Commander Ronald Evans and their party were announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Moore, McKinnon, Blanchard, Patman and Herring, on the part of the Senate and Representatives Barnhart, Jones, Watson, Clark, Nichols, Washington, Bowers, Henderson, Bailey and Fox, on the part of the House of Representatives.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Price Daniel, Jr., Speaker of the House of Representatives called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Speaker recognized The Honorable Ray Barnhart, Member of the House of Representatives from Pasadena, who introduced Captain Eugene Cernan, who addressed the Joint Session.

Captain Cernan introduced Commander Evans to the Joint Session. Commander Evans then addressed the Joint Session.

Commander Evans presented Governor Briscoe a plaque containing the Texas flag which was taken on the flight of Apollo XVII.

Governor Briscoe addressed the Joint Session, accepting the plaque on behalf of the School Children of Texas.

Captain Cernan presented the President of the Senate a picture of the launch of the Apollo XVII to be displayed in the Senate.

The President accepted the picture on behalf of the Members of the Senate.

Commander Evans then presented the Speaker of the House a picture of the crew of Apollo XVII and the spaceship.

The Speaker of the House presented enrolled copies of H.C.R. 188 to Captain Cernan and Commander Evans.

RECESS

The President announced that the purpose of the Joint Session having been concluded, the Senate at 12:13 o'clock p.m. would take recess until 2:00 o'clock p.m. today in accordance with a motion previously adopted in the Senate.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

SENATE BILL 168 ON SECOND READING

The Senate resumed consideration of the pending business, same being S.B. 168 on its second reading and passage to engrossment.

Question, Shall S.B. 168 as amended be passed to engrossment?

Senator Brooks offered the following amendment to the bill:

Amend Section 14.03 of Chapter 14 of S.B. 168 by adding a new Subsection (d) to read as follows:

"(d) The court may grant reasonable visitation rights to either the maternal or paternal grandparents of the child and issue any necessary orders to enforce said decree."

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend S.B. 168, as amended, Sec. 11.04(c)(4), following the word "unknown" delete the comma and insert these words:

"or (C) the person whose residence determines the residence of the child under this Section has left the child under the care and control of the adult,".

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Subsection (b), Section 11.06, Senate Bill 168, at line 10, page 7 as follows: after the words "six months.", add "In computing the period of time during which the child has resided in that county, the court shall not require that the period of residence be continuous and uninterrupted but shall look to the child's principal residence during the said six-months period."

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend S.B. 168 by deleting the words "unless the husband is the sole donor" at lines 21 and 22 p. 20.

The amendment was read and was adopted.

On motion of Senator Adams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Creighton, Ogg, Meier, Blanchard, Aikin and Clower asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 168 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 168 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Clower, Kothmann and Patman.

Absent: Jones and Longoria.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Clower, McKinnon, Wolff, Patman, Ogg, Herring, Aikin, Creighton, Meier, Mengden, Traeger and Jones asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 18, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 168, In memory of Judge Sam Cleveland of Stephenville.

H.B. 224, A bill to be entitled An Act relating to the payment of state assistance to the surviving spouse and minor children of employees of any city, suffering violent death while in the performance of their duties; simplifying the structure of the Act; amending Sections 1, 2, 3, 4 and 10, Chapter 86, Acts of the 60th Legislature, 1967, as amended, (Article 6228f, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 331, A bill to be entitled An Act relating to the penalty for conducting a child-care center, a child-placing agency, or placing children for adopting without a license; amending Subsection 12, Section 8a, The Public Welfare Act of 1941 (Article 695c, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 337, A bill to be entitled An Act relating to the expansion of rural fire prevention districts; adding Section 14a to Chapter 57, Acts of the 55th Legislature, 1957, as amended (Article 2351a-6, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 411, A bill to be entitled An Act relating to certain legal services benefits offered by certain organizations to members or beneficiaries; and declaring an emergency.

H.B. 432, A bill to be entitled An Act relating to the composition, election, and powers, with reference to technical and vocational programs, of the Coordinating Board, Texas College and University System; amending Section 61.022, Texas Education Code; amending Subdivisions (7) and (11) of, and adding Subdivision (14) to, Section 61.003, Texas Education Code; amending Subsections (b) and (c), Section 61.051, Texas Education Code; amending Subsections (a) and (b), Section 135.03, Texas Education Code; amending Subsections (a) and (c), Section 135.04, Texas Education Code; amending Section 31.37, Texas Education Code; and declaring an emergency.

H.B. 470, A bill to be entitled An Act relating to legal representation for county officials and employees by the district attorney, county attorney, or private counsel in certain suits; and declaring an emergency.

H.B. 635, A bill to be entitled An Act defining the jurisdiction of the County Court of Parker County and the jurisdiction of the 43rd District Court; prescribing the duties of the district clerk of Parker County; providing for the appointment of certain district court personnel; amending Section 1--4, Article 1970--353, Revised Civil Statutes of Texas, 1925; amending Subsections (b) and (d), Subdivision 43, Article 199, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 762, A bill to be entitled An Act relating to the establishment of personal bond offices; and declaring an emergency.

H.B. 791, A bill to be entitled An Act providing that the District Clerk may charge a reasonable fee for the performance of certain duties; amending Article 3928, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 838, A bill to be entitled An Act relating to the fee to be charged for permits to hunt on wildlife management areas; providing standards for setting the amount of the fee; amending Section 3, Chapter 463, Acts of the 54th Legislature, 1955, as amended (Article 978f-5, Vernon's Texas Penal Code); and declaring an emergency.

H.B. 844, A bill to be entitled An Act relating to securing out-of-state witnesses and the compensation thereof; amending Sections 3 and 4 of Article 24.28 and Article 35.27, Code of Criminal Procedure, 1965; and declaring an emergency.

H.B. 865, A bill to be entitled An Act relating to the requirement of certain safety equipment on school buses; adding Subsection (c) to Section 105, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 873, A bill to be entitled An Act relating to the establishment of the Texas Rural Development Commission; amending Subsection (a), Section 2, Chapter 843, Acts of the 62nd Legislature, Regular Session, 1971, (Article 5190.2, Vernon's Texas Civil Statutes), relating to the Rural Industrial

Development Act; and declaring an emergency.

H.B. 1263, A bill to be entitled An Act relating to the eligibility of physically handicapped persons for teacher training programs, teaching certificates, and teaching positions; amending Subchapter B, Chapter 13, Texas Education Code, by adding Section 13.047; and declaring an emergency.

H.B. 1444, A bill to be entitled An Act relating to certain Federal Funds that have been made available for textbooks for blind and visually handicapped children attending private, non-profit schools; amending Subsection (a), Section 12.03, Texas Education Code; and declaring an emergency.

H.B. 1555, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Kerr County (Center Point) Water Control and Improvement District under the provisions of Article XVI, Section 59 of the Texas Constitution; amending Chapter 518, Acts of the 57th Legislature, Regular Session, 1961 (Article 8280-262, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1591, A bill to be entitled An Act relating to supplemental compensation for the judge of the 235th Judicial District; amending Section 3.028, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), by adding Subsection (c); and declaring an emergency.

H.B. 1658, A bill to be entitled An Act relating to the compensation of the District Attorney of the 49th Judicial District and to the compensation and appointment of assistants, investigators, and stenographers; amending Chapter 7, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 326k-38a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1666, A bill to be entitled An Act relating to the punishment for contempt in justice and municipal courts; amending Section 2, Chapter 831, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1911a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1674, A bill to be entitled An Act relating to the taxing authority of the Jackson County County-Wide Drainage District; amending Section 14 and Subsection (a), Section 15, Chapter 200, Acts of the 61st Legislature, Regular Session, 1969 (Article 8280-412, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1687, A bill to be entitled An Act abolishing the office of county school superintendent in Wheeler County; and declaring an emergency.

H.B. 1688, A bill to be entitled An Act relating to the fiscal year of the Schleicher County Hospital District; amending Subsection (a) of Section 8, Chapter 38, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency.

H.B. 1690, A bill to be entitled An Act relating to increasing certain fees for certain licenses relating to boxing and wrestling; increasing the tax on gross receipts from sale of admission tickets to certain boxing and wrestling contests; amending Sections 4, 6, and 8, Chapter 241, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 614-1 et seq., Vernon's Texas Penal Code); and declaring an emergency.

H.B. 1700, A bill to be entitled An Act relating to compensation of members of the Hidalgo County Juvenile Board; amending Subsection (a), Section 2, Chapter 186, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139TT, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 666, A bill to be entitled An Act relating to the creation of the County Court No. 3 of Galveston County; and declaring an emergency.

H.B. 814, A bill to be entitled An Act relating to the longevity pay for commissioned law enforcement personnel of the Department of Public Safety; and declaring an emergency.

H.B. 964, A bill to be entitled An Act relating to the qualifications for occupational or professional licensure of certain aliens; and declaring an emergency.

H.B. 1063, A bill to be entitled An Act relating to the establishment of the Randall County Juvenile Board and the juvenile probation department; maintaining in office those persons serving as juvenile officers on the effective date of this Act; and declaring an emergency.

H.B. 1168, A bill to be entitled An Act relating to exclusion of certain land from a water improvement district; amending Section 55.722, Water Code; and declaring an emergency.

H.B. 1193, A bill to be entitled An Act amending Chapter 656, Acts of the 61st Legislature, regular session, 1969, as amended, adding thereto certain provisions providing for the establishment of standards and regulations for proper blocking, securing and anchoring of mobile homes; providing for fees and charges; prescribing penalties; providing for an effective date and for severability; and declaring an emergency.

H.B. 1201, A bill to be entitled An Act relating to fraudulently obtaining telecommunications services; providing penalties; and declaring an emergency.

H.B. 1485, A bill to be entitled An Act relating to county hospital, medical and health facilities; amending Article 4478, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

H.B. 1515, A bill to be entitled An Act relating to authorization of change orders by the Commissioner's Court or governing body; amending Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1521, A bill to be entitled An Act relating to the definition of a Day Care Center and providing for a definition of a church conducting a day care center under Section 8(a)1, Article 695c, Vernon's Civil Statutes, Revised 1965; amending Section 8(a)1 of Article 695c, Vernon's Civil Statutes, Revised 1965; and declaring an emergency.

H.B. 1574, A bill to be entitled An Act relating to the salary of the judges of County Courts Nos. 1 and 2 of Galveston County; amending Section 11, Chapter 269, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1970-342a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1576, A bill to be entitled An Act relating to the salary of the judge of the County Court at Law No. 2 of Galveston County; amending Section 9, Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 1970-342, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1588, A bill to be entitled An Act relating to pollution abatement and salt water intrusion under the Sabine River Compact; amending the Preamble to the Sabine River Compact (included in Article 44.010, Water Code); providing

notice; and declaring an emergency.

H.B. 1648, A bill to be entitled An Act relating to the period of validity of the fishing license; amending Section 4, Chapter 239, Acts of the 55th Legislature, Regular Session, 1957 (Article 4032b-1, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1652, A bill to be entitled An Act relating to the prevention of pollution of the waters of the State of Texas; empowering and permitting Harris County Water Control and Improvement District No. 116 to discharge municipal waste at a discharge point on Cypress Creek in Harris County, Texas, within certain volumes and quality standards, to complete construction of a waste treatment facility and to operate the same; validating all acts and proceedings of the district relating to the construction of such waste treatment facility; finding certain facts; providing for severability; and declaring an emergency.

H.B. 1686, A bill to be entitled An Act relating to the jurisdiction of the County Courts at Law of Lubbock County and the salaries of the judges; amending Chapter 16, Acts of the 51st Legislature, 1st Called Session, 1950 (Article 1970-340, Vernon's Texas Civil Statutes), by adding Sections 2a, 2b, 2c, 2d and 2e, and by amending Section 21; amending Chapter 109, Acts of the 55th Legislature, Regular Session, 1957 (Article 1970-340.1, Vernon's Texas Civil Statutes), by adding Sections 2a, 2b, 2c, 2d and 2e, and by amending Section 22; and declaring an emergency.

H.B. 1697, A bill to be entitled An Act relating to the levying, assessing, and collecting of taxes by the Taft Hospital District; amending Section 9, Chapter 567, Acts of the 59th Legislature, Regular Session, 1965; and declaring an emergency.

H.B. 1706, A bill to be entitled An Act relating to abolishing the offices of county superintendent of schools and the county board of school trustees in Uvalde County; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILL 1491 RE-REFERRED

On motion of Senator Brooks and by unanimous consent, H.B. 1491 was withdrawn from the Committee on Intergovernmental Relations and re-referred to the Committee on Administration.

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

By Senator Sherman:

S.B. 990, A bill to be entitled An Act relating to the corporate franchise tax; revising Chapter 12, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on State Affairs.

MOTION TO PLACE SENATE BILL 842 ON SECOND READING

Senator Wallace asked unanimous consent to suspend the regular order of business and take up S.B. 842 for consideration at this time.

There was objection.

Senator Wallace then moved to suspend the regular order of business and take up S.B. 842 for consideration at this time.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 14, Nays 17.

Yeas: Adams, Brooks, Clower, Gammage, Harrington, Kothmann, Longoria, Mauzy, Moore, Ogg, Schwartz, Sherman, Wallace and Wolff.

Nays: Aikin, Andujar, Blanchard, Braecklein, Creighton, Harris, Herring, Hightower, Jones, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Snelson and Traeger.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 891	S.C.R. 50
S.B. 812	S.C.R. 16
S.B. 809	S.C.R. 49
S.C.R. 66	S.J.R. 25
S.C.R. 65	

SENATE CONCURRENT RESOLUTION 115

Senator Herring offered the following resolution:

S.C.R. 115, Suspending Joint Rules to consider H.B. 1553.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 116

Senator Gammage offered the following resolution:

S.C.R. 116, Instructing the Conference Committee on Senate Joint Resolution 8.

The resolution was read.

On motion of Senator Gammage and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 50

Senator Hightower submitted the following Conference Committee Report:

Austin, Texas
May 18, 1973

The Honorable William P. Hobby
President of the Senate

The Honorable Price Daniel, Jr.
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on H.B. 50 have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

DORAN
FINNELL
VALE
ALLRED
POFF
On the part of the House

HIGHTOWER
TRAEGER
JONES
MAUZY
LONGORIA
On the part of the Senate

The Conference Committee Report was filed with the Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION 192

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H.C.R. 192, Extending congratulations to Mayor Richard Wehman of Pleasanton.

On motion of Senator Traeger, the resolution was considered immediately and was adopted.

COMMITTEE SUBSTITUTE SENATE BILL 442 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 442, A bill to be entitled An Act stating legislative purpose; defining terms; providing certain limitations on the use of convict labor; providing injunctive relief; repealing all laws in conflict; providing for severability; and declaring an emergency.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 442 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 442 be placed on its third reading and final passage.

The motion was lost by the following vote: (Not receiving four-fifths vote of the Members present) Yeas 22, Nays 8.

Yeas: Adams, Andujar, Blanchard, Brooks, Clower, Harrington, Harris, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Braecklein, Creighton, Herring, Jones, Meier, Ogg and Patman.

Absent: Gammage.

**MOTION TO PLACE SENATE BILL 966
ON SECOND READING**

Senator Ogg moved to suspend the regular order of business and take up S.B. 966 for consideration at this time.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 14, Nays 16.

Yeas: Blanchard, Braecklein, Brooks, Jones, Longoria, McKnight, Moore, Ogg, Santiesteban, Schwartz, Snelson, Traeger, Wallace and Wolff.

Nays: Adams, Aikin, Andujar, Clower, Creighton, Harrington, Harris, Herring, Hightower, Kothmann, Mauzy, McKinnon, Meier, Mengden, Patman and Sherman.

Absent: Gammage.

REPORTS OF STANDING COMMITTEE

By unanimous consent, Senator Herring submitted the following reports for the Committee on Jurisprudence:

H.B. 1618
H.B. 1398
H.B. 676
C.S.H.B. 200 (Read first time)
S.B. 418

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 18, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill 1067 by non-record vote.

H.B. 895, A bill to be entitled An Act relating to the incorporation, organization, and regulation of cooperative associations; providing penalties; providing for severability; and declaring an emergency. (With amendments)

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 991 ON FIRST READING

Senator Patman asked unanimous consent to introduce a bill.

There was objection.

Senator Patman then moved that Section 5 of Article III of the State Constitution and Senate Rule 87 to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Longoria and Moore.

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Patman:
S.B. 991, A bill to be entitled An Act making appropriations to the State Department Health for immunization programs; and declaring an emergency.
To Committee on Finance.

MESSAGES FROM GOVERNOR

The following Messages from the Governor were read and referred to the Committee indicated:

Austin, Texas
May 18, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS INDUSTRIAL COMMISSION:

For a six-year term to expire February 15, 1979:
Mr. Mario Yzaguirre of Brownsville, Cameron County, to replace Mr. Homer

Lee Bryce of Henderson, Rusk County, whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on State Affairs.

Austin, Texas
May 18, 1973

**TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR
SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

**TO BE A MEMBER OF THE STATE BOARD OF TUBERCULOSIS NURSE
EXAMINERS:**

For a six-year term to expire March 12, 1978:
Mrs. Travis McNair of Big Lake, Reagan County, for reappointment.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on State Affairs.

Austin, Texas
May 18, 1973

**TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR
SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE A MEMBER OF THE BOARD OF DIRECTORS OF TYLER STATE
COLLEGE:**

For a six-year term to expire January 31, 1979:
Mr. Robert G. Schleier of Kilgore, Gregg County, for reappointment.
Mr. Neal E. Velvin of Athens, Henderson County, for reappointment.
Mr. Jack C. Morgan of Kaufman, Kaufman County, for reappointment.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Education.

**COMMITTEE SUBSTITUTE SENATE BILL 726
ON SECOND READING**

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 726, A bill to be entitled An Act to be known as the Texas

Mass Transit Authority Act; defining terms; providing for a study and the development of a plan for establishing an Authority; providing for the creation of the Authority through an election procedure; providing for the extension of the jurisdiction of the Authority; providing for the management through an Authority Board; conferring powers on the Authority and its Board, including the power of eminent domain, the power to adopt rules and regulations, the power to establish rates, fares, tolls and charges, the power to accept grants and loans from the United States and other sources, and other powers; providing for the financing of the Authority through the imposition of taxes or other methods; providing for assessing and collection of taxes authorized; providing for the power to issue bonds; providing for the issuance of certificates of indebtedness; providing that the property is exempt from taxation; providing for the right to enter property to make surveys and examine the land; providing a severability clause; and declaring an emergency.

The bill was read second time.

Senator Hightower offered the following amendment to the bill:

Amend the Senate Committee Substitute for S.B. 726 by deleting the language contained in Section 3, subsection (c) and substituting in lieu thereof the following:

"(d) 'Mass Transit' means transportation of passengers and hand carried packages and/or baggage of said passengers by means of motorbus, trolley coach, street railway, rail, suspended overhead rail, elevated railways, subways, or any other surface, overhead or underground transportation (except taxicabs), or by any combination of the foregoing."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 726 by adding at the end of subsection (e) of Section 9 the following sentence:

"The right of eminent domain shall be exercised so as not to interrupt and unduly interfere with interstate commerce, and shall further be exercised so as not to change any service to any territory, region or locale being served, and shall further be exercised so as not to entitle the system or any affiliate thereof to operate any facility over any tracks of any railroad company operating in this State."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Senate Committee Substitute for S.B. 726 by deleting the language contained in Section 10, subsection (5), and substituting in lieu thereof the following:

"(5) Rate of Tax.

"Motor vehicles shall be classified by groups based upon the number of cubic inches of cylinder displacement of their motors or engines and the maximum emissions tax which may be levied by any Authority shall not exceed the respective annual sums shown in the following table:

Cubic Inches of Cylinder Displacement	Annual Tax Per Vehicle
0 - 50	\$ 4

51 - 100	6
101 - 200	7
201 - 300	8
301 - 900	10
901 - or more	15

"The Board of an Authority shall each year fix the rate of tax for each group by fixing the percentage (not more than 100) of the foregoing respective maximum rates which percentage shall apply equally and uniformly to all groups and to all members of each group."

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend C.S.S.B. 726 by adding two subsections to Section 9 of the printed bill on page 6 of the printed bill; to be numbered subsection (m) and subsection (n) to read as follows:

"Subsection (m). The Authority shall provide for the recognition of authorized representatives of the employees of the System and for bargaining with such employees through such agents in the same manner and to the same extent as if they were the employees of any privately-owned transportation system."

"Subsection (n). In the event the Authority, in exercising any of the powers conferred by this Act, acquires an existing public mass transportation system, the employees of such system shall be protected as follows: (1) The employees of the system shall be retained to the fullest extent consistent with sound management, and those terminated or laid off shall be assured priority of reemployment; (2) the individual employees shall be retained in positions the same as, or no worse than, their positions prior to the acquisition of such system; (3) the rights, privileges, and benefits of employees under any existing collective bargaining agreement or other arrangement establishing wages, hours, and working conditions shall not be affected and the Authority shall provide for the assumption by the System of the duties and obligations of the former employer under any such agreement or arrangement; (4) the rights, privileges and benefits of the employees under any existing pension or retirement plan shall not be affected and the Authority shall provide for the assumption of the duties and obligations of the former employer under any such plan. In the event the Authority acquires a system and leases such system, or enters into a contract for the operation of such system pursuant to this Act, the lease or contract shall be so drafted as to include terms and provisions assuring the foregoing protection."

The amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 726 ON THIRD READING

Senator Hightower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 726 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower,

Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Kothmann.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 50 ADOPTED**

Senator Hightower called from the President's Table the Conference Committee Report on H.B. 50. (The Conference Committee Report having been filed with the Senate today.)

On motion of Senator Hightower, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Clower, Harris, McKnight and Snelson.

Absent: Harrington.

**VOTE BY WHICH SENATE CONCURRED
IN HOUSE AMENDMENTS TO SENATE
JOINT RESOLUTION 25 RECONSIDERED**

On motion of Senator Traeger and by unanimous consent, the vote by which the Senate concurred in House amendments to S.J.R. 25 was reconsidered.

Question, Shall the Senate concur in House amendments to S.J.R. 25?

Senator Traeger moved to again concur in House amendments.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Harris.

Absent: Harrington.

**VOTE BY WHICH SENATE CONCURRED
IN HOUSE AMENDMENTS TO SENATE
JOINT RESOLUTION 29 RECONSIDERED**

On motion of Senator Traeger and by unanimous consent, the vote by which the Senate concurred in House amendments to S.J.R. 29 was reconsidered.

Question, Shall the Senate concur in House amendments to S.J.R. 29?

Senator Traeger moved to again concur in House amendments.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-Not voting 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Patman, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Harris.

Present-Not voting: Gammage.

Absent: Moore.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 18, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 44, A bill to be entitled An Act relating to the issuance by the Texas Animal Health Commission of permits to take animals and birds by the use of aircraft and providing certain powers and duties to the Texas Animal Health Commission; providing penalties; and declaring an emergency. (With amendments)

S.B. 129, A bill to be entitled An Act relating to capital improvements for Pan American University; amending Subchapter B, Chapter 55, Texas Education Code, as amended; and declaring an emergency. (With amendments)

S.B. 383, A bill to be entitled An Act relating to the licensing and regulation of persons or corporations who engage in the business of executing bail bonds in certain counties; providing certain penalties; and declaring an emergency.

S.B. 454, A bill to be entitled An Act relating to the right of a consumer to rescind a home solicitation transaction; providing penalties; and declaring an emergency.

S.B. 695, A bill to be entitled An Act to amend Section 13, Subsection (a) of Article 6243g-1 of Vernon's Texas Civil Statutes, relating to Pension Systems for policemen in cities of nine hundred thousand (900,000) or more inhabitants which do not now have a police, firemen and fire alarm operators pension system organized under another law.

S.B. 854, A bill to be entitled An Act amending Section 2, Chapter 397, Acts of the 54th Legislature, 1955, as last amended by Chapter 418, Acts of the 62nd Legislature, Regular Session, 1971, (codified as Article 3.70-2, Vernon's Texas Insurance Code); relating to accident and sickness insurance; requiring that every accident and health policy delivered, providing hospital, medical or surgical coverage for additional newborn children provide coverage for such newborn children, to the extent provided in the policy, from the moment of birth; and providing an effective date. (With amendment)

The House has tabled S.B. 253.

H.B. 545, A bill to be entitled An Act relating to the period of probation and the term of imprisonment after revocation of probation; amending Sections 3 and 8, Article 42.12, Code of Criminal Procedure, 1965; and declaring an emergency.

H.B. 705, A bill to be entitled An Act relating to a study of the regulation of groundwater withdrawal by the Gulf Coast Waste Disposal Authority; amending Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 7621d-2, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 735, A bill to be entitled An Act authorizing the School Land Board for a limited time to acquire certain interests in land by trading interests in Public Free School Lands; requiring a report of such trades to the Legislature; authorizing the board to manage lands so acquired for the public trust; repealing conflicting laws to the extent of their conflict with this Act; providing for the severability of the provisions of this Act; and declaring an emergency.

H.B. 922, A bill to be entitled An Act relating to exemption from the examination requirement for a legal reserve life insurance agent; amending Subsection (a), Section 5, Chapter 213, Acts of the 54th Legislature, Regular Session, 1955 (Article 21.07-1, Vernon's Texas Insurance Code); and declaring an emergency.

H.B. 1422, A bill to be entitled An Act relating to the disposal of sewage from boats as defined in this Act; providing a penalty; amending Subchapter C, Chapter 21, Water Code, as amended, by adding Section 2.1097, and amending Section 24, Water Safety Act, as amended (Article 1722a, Vernon's Texas Penal Code), by adding Subsection (f); and declaring an emergency.

H.B. 1455, A bill to be entitled An Act relating to the authority of a commissioners court to lease or dispose of real property; amending Article 1577, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 1573, A bill to be entitled An Act relating to the compensation of county judges of certain counties; amending Subsection (b), Section 4, Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, as amended by Chapter 268, Acts of the 62nd Legislature, Regular Session, 1971, and by Chapter 542, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3883i, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1610, A bill to be entitled An Act relating to the compensation of the district attorney and the appointment and compensation of assistant district attorneys for the 159th Judicial District; amending Subsection (c) and Subdivision (1) of Subsection (d), Section 4.004, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1624, A bill to be entitled An Act relating to the jurisdiction of the County Court of Wichita County in cases involving juvenile delinquency, child neglect, or dependency; and declaring an emergency.

H.B. 1636, A bill to be entitled An Act relating to the salary of the Criminal District Attorney of Lubbock County; amending Section 4, Chapter 776, Acts of the 62nd Legislature, Regular Session, 1971 (Article 326k-69, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1640, A bill to be entitled An Act relating to the compensation of the district attorney of the 81st Judicial District; amending Section 1, Chapter 143, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 326k-48, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1647, A bill to be entitled An Act relating to the creation of a juvenile board for Hill County; providing for a juvenile officer; and declaring an emergency.

H.B. 1651, A bill to be entitled An Act relating to the compensation of members of juvenile boards in counties comprising the Second 9th Judicial District; amending Section 1, Chapter 419, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 5139G, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 18, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 725, A bill to be entitled An Act to permit the sale of deer antlers; amending Articles 884, 889, and 923h, Penal Code of Texas, 1925, as amended; and declaring an emergency.

H.B. 1251, A bill to be entitled An Act relating to dismissal of criminal actions; amending Chapter 32, Code of Criminal Procedure, 1965, by adding Article 32.03; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 966 ON SECOND READING

Senator Ogg asked unanimous consent to suspend the regular order of business and take up S.B. 966 for consideration at this time.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up S.B. 966 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Jones, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Andujar, Harris, Kothmann, Mauzy and Patman.

Absent: Moore.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 966, A bill to be entitled An Act relating to the conduct and financing of primary elections held during the year 1974; the minimum number of registered voters in a voting precinct; the number of ballots furnished for each voting precinct; amending the following sections of the Texas Election Code, as amended: Paragraph (b), Section 12 (Article 2.04), and Section 64 (Article 6.09); and declaring an emergency.

The bill was read second time.

Senator Ogg offered the following amendment to the bill:

Amend S.B. 966 by striking Section 5 and substituting the following:

Section 5. Section 187, Texas Election Code, as amended (Article 13.09(c), Vernon's Texas Election Code) is amended to read as follows:

"The official ballot shall be printed in black ink upon white paper. The ballot shall be printed by the county committee in each county, which shall furnish to the presiding judge of the general primary for each voting precinct at least as many of such official ballots as the county election board determines is necessary for each party based upon the votes cast in the area in the last preceding presidential general election.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Patman and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 966 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 966 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harris, Herring, Hightower, Jones, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Harrington, Kothmann, Mauzy and Patman.

Absent: Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Blanchard, Patman and Snelson asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 76 RE-REFERRED

On motion of Senator Harris and by unanimous consent, H.B. 76 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Administration.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 123 ADOPTED**

Senator Gammage called from the President's Table the Conference Committee Report on S.B. 123. (The Conference Committee Report having been filed with the Senate on May 17, 1973.)

Senator Adams raised the Point of Order that the Conference Committee Report could not be considered at this time as the President had not requested motions to instruct the Conference Committee as provided in Senate Rule 96.

The President overruled the Point of Order, stating it was not raised at the proper time.

On motion of Senator Gammage, the Conference Committee Report was adopted by the following vote: Yeas 18, Nays 12.

Yeas: Andujar, Braecklein, Brooks, Gammage, Harrington, Herring, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Wallace and Wolff.

Nays: Adams, Aikin, Blanchard, Clower, Creighton, Harris, Hightower, Jones, McKinnon, McKnight, Patman and Traeger.

Absent: Moore.

HOUSE BILL 872 RE-REFERRED

On motion of Senator Wolff and by unanimous consent, H.B. 872 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Administration.

SENATE BILL 129 WITH HOUSE AMENDMENTS

Senator Longoria called S.B. 129 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend S.B. 129 by deleting all of Section 1, and substituting therefor the following:

Section 1. Subchapter B, Chapter 55, Texas Education Code, as amended, is amended by adding Section 55.172 to read as follows:

"Sec. 55.172. PAN AMERICAN UNIVERSITY. The board of regents of Pan American University may construct and equip academic buildings, structures and facilities for Pan American University, following approval for such

construction by the Coordinating Board, Texas College and University System, and for these purposes may issue revenue bonds pursuant to this subchapter. The board may pledge irrevocably to the payment of these revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at Pan American University; and the amount of any pledge so made shall never be reduced or abrogated while the bonds are outstanding. However, the tuition charges shall not be pledged pursuant to the authority granted by this subsection except to the payment of bonds issued in an aggregate principal amount not to exceed \$10 million for the purpose of providing funds to construct and equip academic buildings, structures, and facilities for Pan American University."

FLOOR AMENDMENT NO. 1

Amend Committee Amendment No. 1 to Senate Bill 129 by adding at the end of quoted Section 55.172, the following:

"It is provided, however, that no bonds shall be issued hereunder and no tuition shall be pledged thereto unless and until the specific terms and provisions of said bonds and pledge have been first approved by the Coordinating Board, Texas College and University System, in accordance with rules and regulations regarding that subject adopted, published and heard in accordance with Section 61.027 of this Code."

The House amendments were read.

Senator Longoria moved to concur in House amendments.

The motion prevailed by the following vote: Yeas 19, Nays 11.

Yeas: Adams, Andujar, Blanchard, Brooks, Gammage, Harrington, Hightower, Kothmann, Longoria, McKinnon, McKnight, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Braecklein, Clower, Creighton, Harris, Herring, Jones, Mauzy, Meier, Mengden and Sherman.

Absent: Moore.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 18, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 263, A bill to be entitled An Act relating to certain limitations and exceptions for real estate loans by state banks; amending Article 4, Subchapter V, Texas Banking Code of 1943, as amended (Article 342-504, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 721, A bill to be entitled An Act relating to regulation of the coin-operated machine industry, recreating and reconstituting the Texas Vending Commission; establishing an advisory committee; amending Chapter 587, Acts of the 62nd Legislature, Regular Session, 1971, (Article 4413 (41), Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 858, A bill to be entitled An Act amending Section 3, Lower Colorado River Authority Act, as amended (Article 8280-107, Vernon's Texas Civil Statutes), to increase per diem payments for directors of the Lower Colorado River Authority from \$25 to \$50 per day; and declaring an emergency. (With amendments)

S.B. 60, A bill to be entitled An Act relating to days designated as legal holidays; etc.; and declaring an emergency. (With amendment)

S.B. 237, A bill to be entitled An Act creating the Texas State Board of Landscape Irrigation; etc.; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 44 WITH HOUSE AMENDMENTS

Senator Jones called S.B. 44 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend S.B. 44 by striking all below the enacting clause and substituting the following:

Section 1. Pursuant to Public Law (Federal) 92-159, Section (b)(1) (85 Stat. 480, 16 U.S.C. 742 j-1), the Parks and Wildlife Department may issue permits for predator animal control by the use of aircraft in this state. The department may issue the permit to any person if the department finds that predator animal control by the use of aircraft is necessary to protect or to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

Sec. 2. "Predator animals", as that term is used herein, means coyotes, bobcats, red foxes and cross-breeds between coyotes and dogs, and does not include birds or fowl.

Sec. 3. An applicant for a permit under this Act shall file with his application one or more affidavits, containing facts as well as opinion, stating the kind and number of predator animals that are requested to be taken by the use of aircraft, and a list of the counties from which the animals are requested to be taken, and the reasons why the permit should be issued.

Sec. 4. The department shall prescribe the form and manner of issuance of the permit. No permit issued under this Act is valid for more than one year, but the department may renew a permit on a showing that renewal is necessary.

Sec. 5. The holder of a permit under this Act shall file with the Parks and Wildlife Department within 30 days following the end of each calendar quarter a report showing:

- (1) the name and address of the permit holder;
- (2) the number and a description of the predator animals taken under the permit, the number and description of the predator animals authorized to be taken under the permit;
- (3) a description of the area to which the permit is applicable; and
- (4) such other relevant information as the Parks and Wildlife Department shall require.

Sec. 6. The Parks and Wildlife Department shall report annually to the Secretary of Interior of the United States as required by federal law.

Sec. 7. The Parks and Wildlife Commission may make regulations

governing predator animal control by aircraft under this Act. The regulations shall be promulgated by a majority vote of the commission. The commission shall give notice and hold hearings on any proposed regulation under this Act.

Sec. 8. The Texas Parks and Wildlife Commission shall set an annual fee for the taking of predator animals by the use of aircraft.

Sec. 9. Any person who violates any provision of this Act or any person in an aircraft who shoots any animals or birds other than predator animals, as defined herein, with a gun, rifle or any other device capable of injuring or killing a wild animal or bird shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum of not less than \$50 nor more than \$200. Each violation shall be a separate offense.

Sec. 10. This Act applies only to the following counties: Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, Crane, Ector, Loving, Pecos, Reeves, Ward, Winkler, Brewster, Crockett, Edwards, Kinney, Maverick, Sutton, Terrell, Val Verde, Zavala, Glasscock, Midland, Reagan, Upton, Concho, Irion, Tom Green, Andrews, Gaines, Hockley, Lynn, Martin, Terry, Yoakum, Bailey, Castro, Cochran, Deaf Smith, Lamb, Oldham, Parmer, Dallam, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman, Armstrong, Briscoe, Childress, Collingsworth, Donley, Floyd, Gray, Hall, Motley, Wheeler, Fisher, Jones, Mitchell, Nolan, Taylor, Gillespie, Kerr, Kimble, Llano, Mason, Menard, Real, San Saba, Schleicher, Uvalde, Brown, Callahan, Coleman, Comanche, McCulloch, Runnels, Bandera, Bexar, Blanco, Frio, Hays, Kendall, Medina, Caldwell, Comal, Guadalupe, Bell, Burnet, Lampasas, Mills, Atascosa, Bee, Dimmit, LaSalle, Live Oak, McMullen, Wilson, Bosque, Coryell, Hamilton, Hill, Archer, Clay, Wichita, Young, Borden, Coke, Dawson, Howard, Scurry, Sterling, Eastland, Jack, Montague, Palo Pinto, Stephens, Falls, Milam, Williamson, Hale, Lubbock, Swisher, Carson, Potter, Randall, Baylor, Cottle, Crosby, Dickens, Foard, Garza, Hardeman, Haskell, Kent, King, Knox, Shackelford, Stonewall, Throckmorton, Wilbarger, Ellis, Navarro, Johnson, Hood, Somervell, Erath, Robertson, and Brazos.

Sec. 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 2

Amend S.B. 44 by striking all above the enacting clause and substituting the following:

"A BILL

TO BE ENTITLED

An Act relating to Public Law (Federal) 92-159, Section (b)(1) (85 Stat. 480, 16 U.S.C. 742 j-1), and to the use of aircraft for predator animal control in certain counties in circumstances which are necessary to protect human and natural resources; providing for the issuance of permits; requiring reports; authorizing the Parks and Wildlife Commission to make regulations and assess fees; providing penalties; and declaring an emergency."

FLOOR AMENDMENT NO. 1

Amend S.B. 44, Committee Substitute on page 3, in Section 10 by adding the following counties to Sec. 10 as follows: Johnson, Hood, Somervell, Erath, Robertson and Brazos.

The House amendments were read.

Senator Jones moved to concur in House amendments.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Meier.

Absent: Moore.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 911

MESSAGES FROM GOVERNOR

The following Messages from the Governor were read and referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
May 15, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE BOARD OF DENTAL EXAMINERS:

For a six-year term to expire May 10, 1979:

Dr. Jack Walker of Seguin, Guadalupe County, to replace Dr. Jack R. Winston of Houston, Harris County, whose term expired.

Dr. William Knight of Irving, Dallas County, to replace Dr. Thomas R. Williams of Gatesville, Coryell County, whose term expired.

Dr. Foster Kidd of Dallas, Dallas County, to replace Dr. James E. Bauerle of San Antonio, Bexar County, whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

Austin, Texas
May 18, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES:

For a six-year term to expire January 31, 1979:
Mr. Joe Connally of Odessa, Ector County, to replace Mr. George W. Bichsel of San Antonio, Bexar County, whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House, were read the first time and referred to the Committee indicated:

H.B. 1700, To Committee on Administration.
H.B. 635, To Committee on Administration.
H.B. 470, To Committee on Administration.
H.B. 331, To Committee on Administration.
H.B. 1193, To Committee on Administration.
H.B. 224, To Committee on Administration.
H.B. 762, To Committee on Administration.
H.C.R. 168, To Committee on Administration.
H.B. 838, To Committee on Administration.
H.B. 411, To Committee on Administration.
H.B. 895, To Committee on Economic Development.
H.B. 432, To Committee on Administration.
H.B. 1515, To Committee on Administration.
H.B. 1485, To Committee on Administration.
H.B. 865, To Committee on Administration.
H.B. 1168, To Committee on Administration.
H.B. 964, To Committee on State Affairs.
H.B. 922, To Committee on Economic Development.
H.B. 873, To Committee on Economic Development.
H.B. 814, To Committee on State Affairs.
H.B. 735, To Committee on Administration.
H.B. 705, To Committee on Administration.
H.B. 666, To Committee on Administration.
H.B. 1573, To Committee on Administration.
H.B. 1555, To Committee on Administration.
H.B. 1422, To Committee on Administration.
H.B. 1444, To Committee on Administration.
H.B. 1263, To Committee on Education.
H.B. 1251, To Committee on Administration.
H.B. 337, To Committee on Administration.
H.B. 1063, To Committee on Administration.
H.B. 1574, To Committee on Administration.
H.B. 1576, To Committee on Administration.
H.B. 1624, To Committee on Administration.
H.B. 1610, To Committee on Administration.
H.B. 1591, To Committee on Administration.
H.B. 1588, To Committee on Administration.
H.B. 1658, To Committee on Administration.
H.B. 1652, To Committee on Administration.
H.B. 1651, To Committee on Administration.
H.B. 1647, To Committee on Administration.
H.B. 1640, To Committee on Administration.
H.B. 1636, To Committee on Administration.
H.B. 1706, To Committee on Administration.
H.B. 1697, To Committee on Administration.
H.B. 1688, To Committee on Administration.

H.B. 1687, To Committee on Administration.

SENATE BILL 721 WITH HOUSE AMENDMENTS

Senator Brooks called S.B. 721 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 721, First House Printing, as follows:

(1) Strike Section 7, and substitute a new Section 7 to read as follows:

Sec. 7. Section 20, Article 13.17, Title 122A, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 20. The Texas Amusement Machine Commission may refuse to issue or renew a license, and may suspend for any period or cancel a license if he finds that

"(1) the applicant or licensee has intentionally violated any provision of, or any regulation authorized by this Article during

"(a) the two years preceding the date of the application for an initial license; or

"(b) the period the current license was held;

"(2) the applicant or licensee has intentionally failed to answer any question or has made a false statement in, or in connection with, his application or renewal."

(2) Renumber. Sections 8, 9, 10, and 11 as 10, 11, 12, and 13, respectively, and insert new Sections 8 and 9 to read as follows:

Sec. 8. Section 24, Article 13.17, Title 122A, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 24. (a) A person whose application for a license has been refused or whose license has been suspended or cancelled by the Texas Amusement Machine Commission may take an appeal, within 30 days after the order is entered, to any district court of Travis County.

"(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgment of the district court lies as in other civil cases."

Sec. 9. Section 25, Article 13.17, Title 122A, Revised Civil Statutes of Texas, 1925, as amended, is repealed.

COMMITTEE AMENDMENT NO. 2

Amend S.B. 721, First House Printing by striking all above the enacting clause and substituting the following:

"A BILL

TO BE ENTITLED

An Act relating to regulation of coin-operated machines and the coin-operated machine industry, recreating and reconstituting the Texas Vending Commission and changing its name to the Texas Amusement Machine Commission; establishing an advisory committee; providing for transfer of certain duties, powers, property, functions, responsibilities and authority heretofore exercised by the Texas Vending Commission and the Comptroller of Public Accounts under Article 13.17, Title 122A, Taxation - General; providing for payment of expenses; providing for hearings for licensing, fees and certain restrictions on licensees and their employees and making certain requirements as to keeping of offices and records; providing for judicial review; defining certain offenses and prescribing

penalties; amending Sections 1 and 2 and adding a new Section 8 to Chapter 587, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413 (41), Vernon's Texas Civil Statutes); amending Sections 2, 4, 12, 16, 19, 20, and 24, Article 13.17, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended; repealing Section 25, Article 13.17, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, providing a severability clause; and declaring an emergency."

COMMITTEE AMENDMENT NO. 3

Amend Section 8 of Senate Bill 721 by striking the word and figure "Two (2)" on line 4 page ten and substituting therefor the word and figure "Four (4)".

FLOOR AMENDMENT NO. 1

Amend Senate Bill 721, second printing, by inserting a new section, appropriately numbered, immediately before the section of the bill containing the severability clause, to read as follows:

"Section ---. Subsection (3), Section 27, Article 13.17, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(3) (a) It shall be unlawful for a person who has a financial interest in a business required to be licensed by this Article or for any agent on behalf of such person to contract to convey an interest in any property, of any nature or kind, whether by lease, sub-lease, installment purchase, conditional sale or otherwise if such contract contains a provision or provisions in any way limiting the other party's right to secure music or skill or pleasure coin-operated machines from any source.

"(b) In addition to the prohibition of paragraph (a), next above, no person licensed under this Article may place or operate a music or skill or pleasure coin-operated machine in an establishment (i) at which alcoholic beverages are sold or served for on-premises consumption under an appropriate alcoholic beverage license granted to another person and (ii) which is situated on real property occupied by another and in which real property the licensee under this Article has an interest, except by written lease, sub-lease, installment, purchase or other contract. The lease, sub-lease or other contract must include all provisions of the agreement between the parties and shall contain a statement sworn to by both parties that there are no other understandings or agreements between the parties. Prior to the execution of any such lease, sub-lease or other contract, three (3) copies of the proposed terms and form thereof shall be first filed with the Commission for its approval. Within thirty (30) days after the filing of such proposal, the Commission shall approve or disapprove the same and it shall approve the same if it finds

"(A) that none of the rentals or other payments thereunder to the licensee under this Article are subject to adjustment as to rate or amount by reason or on account of the volume or quantity of alcoholic beverages sold or served on the premises; and

"(B) that none of the provisions thereof would require the lessee, sub-lessee or other holder of the appropriate alcoholic beverage permit or license to install or utilize in said establishment the coin-operated machines of the licensee; and

"(C) that the amount of rental or other amount payable thereunder to the licensee under this Article represents a fair and equitable amount to be paid for the use, occupancy or installment purchase of said land based on the fair value thereof for the particular uses intended therefor in the vicinity in which situated; and

"(D) that if executed, the transaction proposed by such agreement will not otherwise create a relationship in violation with this Article; and

"(E) that the lease, sub-lease or other contract contains appropriate

remedies in the event of a default in the terms thereof."

"The Commission shall notify any party of the reason for any disapproval, and the parties shall have the right to appeal any such disapproval to the District Court in Travis County, as in other appeals from State Agencies. Upon approval, the parties may execute such agreement and an executed copy thereof shall be filed with the Commission. The same shall not be amended, altered or changed without the consent of the Commission. Such leases, sub-leases or other contracts shall be diligently enforced by the parties thereto, except for good cause shown to the Commission. The parties shall notify the Commission of any default thereunder by either party within ten (10) days of the occurrence of any such default, and upon failure of either of the parties to enforce the same the Commission shall be authorized, after due notice and hearing, for good cause, to declare the agreement cancelled and to further cancel any license granted to any of the parties under this Act.

"This provision shall not be applicable to any leases, sub-leases or other contracts executed prior to September 1, 1973. However, copies of any such pre-existing agreement and/or a memorandum of any pre-existing oral agreement shall be filed with the Commission not later than September 15, 1973. Each such pre-existing agreement or memorandum thereof, shall be sworn to by the parties.

"(c) In the performance of their other duties and powers under any other laws, any auditor, accountant or agent of any agency or department of this State having jurisdiction over the licensees under this Article or any licensee or licensed premises under any other law of this State, shall have the power, and it shall be their duty, to examine the books, records and accounts relating to the leases, sub-leases and other contracts described in paragraph (b), next above, and to report their findings of compliance or non-compliance to the Commission."

FLOOR AMENDMENT NO. 2

Amend the Hutchison - Mattox amendment added to S.B. 721 in the following report:

On line 15 of the amendment delete the word "Comptroller" and insert in lieu thereof the words "Amusement Commission".

FLOOR AMENDMENT NO. 3

Amend S.B. 721 by deleting the following Section:

"(3) 'engage in business' means the manufacturing, owning, buying, selling, renting, leasing, trading, lending, furnishing to another, storing, or importing two (2) or more coin-operated machines as defined in this Article."

FLOOR AMENDMENT NO. 4

Amend Senate Bill No. 721, Second Printing, by inserting a new section, appropriately numbered, immediately before Section 10, to read as follows:

Section -----, Subsection (1), Section 27, Article 13.17, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(1) (a) It shall be unlawful for a person who has a financial interest in a business required to be licensed by this Article to knowingly have a financial interest in a business engaged in selling or serving alcoholic beverages for on-premises consumption unless otherwise permitted in this Article. No bona fide financial interest or commitment in existence prior to September 1, 1969, shall be deemed a violation of this Article, but no such interest or commitment may be renewed or altered after September 1, 1969, without the written approval of the Comptroller, provided that this prohibition shall not apply if the business engaged in selling or serving alcoholic beverages be a corporation whose securities are registered under the laws of the United States

or the State of Texas.

"(b) A licensee or permittee under the Texas Liquor Control Act authorized to sell or serve alcoholic beverages for on-premises consumption may own and operate coin-operated music, skill, or pleasure machines on his licensed premises even though he is required to be licensed under this Act if he obtains a certificate of exemption from the Amusement Commission. A separate certificate is required for each place of business. The Commission shall issue a certificate of exemption if it finds that:

"(1) the business engaged in selling or serving alcoholic beverages for which the certificate is sought, after excluding receipts from coin-operated music, skill, or pleasure machines, derives not more than thirty percent (30%) of its remaining gross receipts from the sale or service of alcoholic beverages;

"(2) the licensee or permittee does not own any machines subject to the occupation tax imposed by this Article which are located on the business premises of another person; and

"(3) except for the licensee's or permittee's interest in his own machines, he has no direct or indirect financial interest in the coin-operated music, skill, or pleasure machine industry.

"(c) A certificate of exemption issued under Subdivision (a) of this subsection does not excuse the holder from the occupation tax, requirement of a license, or licensee fee imposed under this Article. The Amusement Commission shall prescribe rules and regulations relating to the application for certificates. A certificate expires on the date the holder's general business license expires, and is renewable in the same manner as the general business license. If the holder of a certificate commits any act which makes him no longer entitled to a certificate of exemption, that is a ground for the revocation of his certificate as well as his general business license. In the case of a revocation or refusal to issue or renew a certificate of exemption, the holder is entitled to the same appellate review as is available to the holder of a general business license under the same circumstances."

FLOOR AMENDMENT NO. 5

Amend Senate Bill 721 as follows:

Amend Section 16, line 14 page 10 by substituting a period at the end of line 14 for a comma and striking line 15 and the words "nor more than Three Thousand Dollars (\$3,000)" in line 16.

FLOOR AMENDMENT NO. 6

Amend Senate Bill 721 as follows:

Renumber Sections 10, 11, 12, and 13 as Sections 11, 12, 13, and 14, respectively, and insert new Section 10 to read as follows:

Section 10. Chapter 13, Title 122A, Vernon's Annotated Texas Statutes, Taxation - General, Article 13.02, Section (2) is amended to read as follows:

"(2) Provided that the first money taken from each coin-operated machine each calendar year shall be paid to the owner to reimburse the payment of that year's annual occupation tax levied above and those levied by any city or county. No owner shall agree or contract or offer to agree to contract to waive this reimbursement either directly or indirectly. No owner shall agree or contract with a bailee or lessee of a coin-operated machine to compensate said bailee or lessee in excess of sixty percent (60%) of the gross receipts of such machine after the above reimbursement has been made. In addition to all other penalties provided by law the Texas Vending Commission shall revoke any license held under Article 13.17 by any person who violates this Subsection."

FLOOR AMENDMENT NO. 7

Amend S.B. 721, Second House Printing, by adding a new section immediately before the effective date clause to be numbered appropriately, and renumbering the subsequent sections appropriately, the new section to read as follows:

Sec. --- Article 13.14, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 13.14 APPORTIONMENT OF TAX; TAX LEVY BY COUNTIES AND CITIES. Except as herein provided in this Chapter, one-fourth (1/4) of the net revenue derived from this Chapter shall be credited to the Available School Fund of the State of Texas and three-fourths (3/4) of the net revenue derived from this Chapter shall be credited to the Clearance Fund, established by Article XX of House Bill No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941. Provided that all counties and cities within this State may levy an occupation tax on coin-operated machines in this State in an amount not to exceed one half (1/2) of the State tax levied herein. A city or county which levies an occupation tax under this Article shall collect the tax in equal quarterly installments for the calendar quarters ending on the last day of March, June, September, and December with the tax for the quarter due by the last day of the month following the end of the quarter."

FLOOR AMENDMENT NO. 8

Amend S.B. 721 by deleting all of Sec. 2 on p. 4 and renumbering where needed.

The House amendments were read.

Senator Brooks moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 721 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Brooks, Ogg, Santiesteban, Kothmann and Longoria.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

S.B. 424 - Senator Snelson
S.B. 164 - Senator Adams
C.S.S.B. 490 - Senator Brooks
S.B. 86 - Senator Brooks
C.S.S.B. 819 - Senator Wolff
C.S.H.B. 169 - Senator Jones
C.S.S.B. 456 - Senator Jones
C.S.S.B. 837 - Senator Jones
S.B. 501 - Senator Santiesteban
S.B. 729 - Senator Santiesteban

H.B. 55 - Senator Santiesteban
H.B. 460 - Senator Santiesteban
H.B. 548 - Senator Santiesteban
H.B. 628 - Senator Traeger
H.B. 959 - Senator Traeger
H.B. 825 - Senator Sherman
S.B. 971 - Senator Mauzy
S.J.R. 26 - Senator Wallace
S.B. 201 - Senator Ogg
S.B. 285 - Senator Mauzy
C.S.S.B. 329 - Senator Schwartz
C.S.S.B. 442 - Senator Mauzy
C.S.S.B. 495 - Senator Brooks
C.S.S.B. 628 - Senator Mengden
C.S.S.B. 712 - Senator Mauzy
C.S.S.B. 715 - Senator Aikin
C.S.S.B. 783 - Senator Ogg
C.S.S.B. 804 - Senator Herring
S.B. 852 - Senator Mauzy
S.B. 874 - Senator Mauzy
S.B. 911 - Senator Aikin
S.B. 966 - Senator Ogg
S.B. 967 - Senator Ogg
S.B. 969 - Senator Kothmann
H.B. 311 - Senator Hightower
C.S.H.B. 201 - Senator Ogg
H.B. 569 - Senators Ogg and Brooks
H.B. 1158 - Senator Blanchard
H.B. 1182 - Senator Ogg
H.B. 1504 - Senator Blanchard
S.B. 202 - Senator Brooks

MEMORIAL RESOLUTIONS

S.R. 799 - By Senator Snelson: Memorial resolution for Miss Elizabeth Garrett.

S.R. 800 - By Senator Snelson: Memorial resolution for Mrs. Jack Elder.

S.R. 806 - By Senator Blanchard: Memorial resolution for Howard Alford.

S.R. 807 - By Senator Blanchard: Memorial resolution for R.S. "Cinco" Rogers.

S.R. 809 - By Senator Schwartz: Memorial resolution for James Carol Douglas.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 801 - By Senator Clower: Commending Cynthia Joy Kirkhuff.

S.R. 802 - By Senator Clower: Extending welcome to The Reverend and Mrs. Frank Davis.

S.R. 803 - By Senator Clower: Commending Randall Lee Kirkhuff.

S.R. 805 - By Senator Andujar: Expressing appreciation to Dr. J. Vernal Irons for contributions to public health.

S.R. 808 - By Senators Schwartz, Harrington, Clower and Aikin: Recognizing month of May 1973, as Senior Citizens Month.

S.R. 810 - By Senator Schwartz: Extending welcome to Mrs. Bill Kemmerer.

RECESS

On motion of Senator Aikin the Senate at 4:20 o'clock p.m. took recess until 8:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

Friday, May 18, 1973

S.B. 891
S.B. 812
S.B. 809
S.C.R. 66
S.C.R. 65
S.C.R. 50
S.C.R. 16
S.C.R. 49

In Memory of

Former Senator Wilbourne B. Collie

Senator Aikin offered the following resolution:

(Senate Resolution 804)

WHEREAS, God in His infinite wisdom has called from these earthly labors one of our distinguished former colleagues, Senator Wilbourne B. Collie; and

WHEREAS, Senator Collie served eight years in the Senate of Texas from 1932 to 1940 and was highly respected and loved by his fellow members; and

WHEREAS, He made a distinct contribution to his native county and his state, both as District Clerk and as State Senator; and

WHEREAS, It is the desire of the Senate to express sincere sympathy to the members of his family, Mrs. Jewell Collie; his son, Dan Collie, a former member of the staff of the Secretary of the Senate; his daughter, Mrs. Conrad Kroll of Austin; and five grandchildren; now, therefore, be it

RESOLVED, That this Resolution be adopted by a rising vote and that the members of his family be furnished a copy of this Resolution.

AIKIN
CREIGHTON
MOORE

The resolution was read.

On motion of Senator Patman and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Aikin, the resolution was adopted by a rising vote of the Senate.